

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY June 23, 2010**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, June 23, 2010 in the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Special Magistrate Cino.

2. ROLL CALL:

Special Magistrate	Charles Cino	Present
Enforcement Services Director	Dale Baker	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers; Lonnie Wilson, Danny Ron, Richard Lovett, Shanna Hawkins, Julie Hughes and Albert Grimsley.

3. STATEMENT BY SPECIAL MAGISTRATE:

Presented by Charles Cino.

Mr. Cino has taken Judicial Notice of all City of Deltona Ordinances, State Statutes, Florida Building Code and the International Property Maintenance Code.

4. PLEDGE OF ALLEGIANCE:

5. DISCLOSURE OF EX PARTE COMMUNICATIONS: None

6. APPROVAL OF MINUTES:

The Minutes of the Special Magistrate Hearing for April 28, 2010 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-10-095 is Withdrawn, DEL-10-103 Continued and DEL-10-104 is Continued. DEL-10-105 was also Continued.

8. SWEARING IN OF OFFICERS AND WITNESSES:

Special Magistrate Charles Cino swore in all that were present to testify.

9. OLD BUSINESS:

A. DEL-10-060

**Navado A. Jr. & Emelyn M. Edwards
2845 Fifer Drive, Deltona, Florida 32738
Property Address: 2845 Fifer Drive, Deltona, Florida 32738
Parcel No.: 30-18-31-34-20-0130**

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. **(Enforcement Services Officer Richard Lovett)**

Complied, Affidavit of Compliance submitted by Officer Lovett.

B. DEL-10-066

**Morgan W. Stewart
3283 Croton Ave., Deltona, Florida 32738
Property Address: 3283 Croton Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-34-14-0040**

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Danny Ron)**

Fine of \$25.00 a day Ordered by the Special Magistrate, if not in Compliance by July 29, 2010, with a \$10,000.00 cap. Ms. Stewart was present at the Hearing.

C. DEL-10-067

**Morgan W. Stewart
3283 Croton Ave., Deltona, Florida 32738
Property Address: 3283 Croton Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-34-14-0040**

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, **enclosures, decks** and walls, shall be maintained and kept in good repair. **(Enforcement Services Officer Danny Ron)**

Fine of \$25.00 a day Ordered by the Special Magistrate, if not in Compliance by July 29, 2010, with a \$10,000.00 cap. Ms. Stewart was present at the Hearing.

D. DEL-10-078

Bank of New York TR

C/O 7105 Corporate Dr., Plano Texas 75024

Property Address: 2419 Alamanda Ave., Deltona, Florida 32738-2401

Parcel No.: 30-18-31-74-31-0120

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, **fences** and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Richard Lovett**)

Fine of \$50.00 a day, effective immediately (June 23, 2010). To run until property in compliance or a cap of \$20,000.00 reached.

E. DEL-10-079

Bank of New York TR

C/O 7105 Corporate Dr., Plano Texas 75024

Property Address: 2419 Alamanda Ave., Deltona, Florida 32738-2401

Parcel No.: 30-18-31-74-31-0120

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (**Enforcement Services Officer Richard Lovett**).

Fine of \$50.00 a day, effective immediately (June 23, 2010). To run until property in compliance or a cap of \$20,000.00 reached.

10. NEW BUSINESS:

A. DEL-10-088

Mirna L. Mazzella

611 Everett St., Deltona, Florida 32725-3216

Property Address: 611 Everett St., Deltona, Florida 32725-3216

Parcel No.: 30-18-31-03-61-0320

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. City of Deltona Ordinance, Section 38-114, which states that furniture outside must be designed to be placed outdoors or stored inside a covered structure. (**Enforcement Services Officer Shanna Hawkins**)

Found in Non Compliance at the time of the violation, has since complied and the case is now Dismissed. Owner's son was present at this Hearing.

B. DEL-10-089

Renay L. Proenza and Tracy M. Walsh

677 Elwood St., Deltona, Florida 32725

Property Address: 677 Elwood St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-41-0480

Violation of City of Deltona Ordinance, Section 38-110(1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Shanna Hawkins)**

Property found in Non Compliance, a Hearing to impose fine will be at the July 28, 2010 Code Hearing, if not in compliance at that time. Renay Proenza was present.

C. DEL-10-090

Renay L. Proenza and Tracy M. Walsh
677 Elwood St., Deltona, Florida 32725
Property Address: 677 Elwood St., Deltona, Florida 32725
Parcel No.: 30-18-31-03-41-0480

Violation of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition, and kept in good repair. **(Enforcement Services Officer Shanna Hawkins)**

Property found in Non Compliance, a Hearing to impose fine will be at the July 28, 2010 Code Hearing, if not in compliance at that time. Renay Proenza was present.

D. DEL-10-091

Stephanie and Roberta Houston ETAL
615 Merrimac St., Deltona, Florida 32725
Property Address: 615 Merrimac St., Deltona, Florida 32725
Parcel No.: 30-18-31-01-13-0100

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for carport enclosure. **(Enforcement Services Officer Julie Hughes)**

Property found in Non Compliance, a Hearing to impose fine will be at the July 28, 2010 Code Hearing, if not in compliance at that time. Stephanie Houston was present.

E. DEL-10-093

Nicole Baldock
1410 Catalina Blvd., Deltona, Florida 32725
Property Address: 1410 Catalina Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-71-05-0230

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and

obtain the required permit for room addition. (**Enforcement Services Officer Lonnie Wilson**)

Order of Non Compliance.

F. DEL-10-094

Chase Home Finance LLC
3415 Vision Dr., Dept G7, Columbus, Ohio 43219-6009
Property Address: 845 North Fairbanks Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-08-24-0100

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (**Enforcement Services Officer Lonnie Wilson**)

Property found in Non Compliance, a Hearing to impose fine will be at the July 28, 2010 Code Hearing, if not in compliance at that time.

G. DEL-10-095

Thomas Sturtz
1641 Jordan Terrace, Deltona, Florida 32725
Property Address: 1641 Jordan Terrace, Deltona, Florida 32725
Parcel No.: 30-18-31-16-11-0010

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the fence. (**Enforcement Services Officer Shanna Hawkins**)

Withdrawn.

H. DEL-10-096

Mirna L. Mazzella
611 Everett St., Deltona, Florida 32725-3216
Property Address: 611 Everett St., Deltona, Florida 32725-3216
Parcel No.: 30-18-31-03-61-0320

Violation of City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked in the side or rear yard. (**Enforcement Services Officer Shanna Hawkins**)

Found in Non Compliance at the time of the violation, has since complied and the case is now Dismissed. Owner's son was present at this Hearing.

I. DEL-10-097

Cortlandt and Piedad E. Parker

2937 East Waco Dr., Deltona, Florida 32738

Property Address: 2840 Chalmer St., Deltona, Florida 32738-1388

Parcel No.: 30-18-31-34-34-0020

Violation of City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, unless parked in a fully enclosed garage. **(Enforcement Services Officer Richard Lovett)**

Property found in Non Compliance , a fine of \$25.00 a day will be effective July 6, 2010 and will run until the property is in compliance or a cap of \$10,000.00 is met. A Hearing on the abatement will be heard at the July 28, 2010 Code Hearing, if not in compliance.

J. DEL-10-098

Terri Hough

2831 Chalmer St., Deltona, Florida 32738

Property Address: 2831 Chalmer St., Deltona, Florida 32738

Parcel No.: 30-18-31-34-33-0340

Violation of City of Deltona Ordinance, Section 66-19(3), which states that boats/trailers/recreational vehicles shall not be parked or stored either within a public right of way or within that portion of a lot across the full width of the lot between the front lot line and front most part of the principle structure. **(Enforcement Services Officer Richard Lovett)**

Found in Non Compliance at the time of the violation, has since complied and the case is now Dismissed.

K. DEL-10-099

Sherri D. Dunn

2937 Beckwith St., Deltona, Florida 32738

Property Address: 2605 Academy Ave., Deltona, Florida 32738-2563

Parcel No.:30-18-31-32-31-0170

Violation of City of Deltona Ordinance, Section 38-110(1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Richard Lovett)**

Found in Non Compliance at the time of the violation, has since complied and the case is now Dismissed.

L. DEL-10-100

Matthew S. Brookins and Brandy Slusher
3148 Wainwright St., Deltona, Florida 32738
Property Address: 3148 Wainwright St., Deltona, Florida 32738
Parcel No.: 30-18-31-32-94-0140

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, **fences** and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Richard Lovett**)

Order of Non Compliance.

M. DEL-10-103

Melinda C. Santiago
96 Putter Dr., Palm Coast, Florida 32164
Property Address: 1848 Howland Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-68-06-0130

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.6, which states that exterior walls shall be free from holes, breaks, loose or rotting surfaces and the surface properly coated where required to prevent deterioration. (**Enforcement Services Officer Albert Grimsley**)

Continued.

N. DEL-10-104

Melinda C. Santiago
96 Putter Dr., Palm Coast, Florida 32164
Property Address: 1848 Howland Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-68-06-0130

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (**Enforcement Services Officer Albert Grimsley**)

Continued.

O. DEL-10-105

Jean Marie Ross, c/o SW Habitat For Humanity
PO Box 740166, Orange City, Florida 32774-0166
Property Address: 3261 Planter Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-42-19-0270

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Danny Ron)**

Continued

P. DEL-10-106

Hector L. and Vilma I. Pena

2311 Carson Lane, Deltona, Florida 32725

Property Address: 2311 Carson Lane, Deltona, Florida 32725

Parcel No.: 30-18-31-45-17-0120

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences, **screens**, porches and walls, shall be maintained and kept in good repair.

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, section 304.2, which states that all exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, and shall be kept in sound working condition and maintained in good repair. **(Enforcement Services Officer Danny Ron)**

Order of Non Compliance. Effective July 06, 2010 an Order to be issued for a \$50.00 a day fine, to run until the property is in compliance or a cap of \$10,000.00 is met.

11. OTHER BUSINESS:

A. DEL-10-038 REPEAT OF DEL-09-160

Northwood Oaks LLC

Ponds Edge Dr., Chadds Ford, PA 19317

Brandywine Financial Services Corporation/Registered Agent

2631 McCormick Drive, Suite 101, Clearwater, Florida 33759

Property Address: 1235 Providence Blvd., Suite R, Deltona, Florida 32725

Parcel No.: 30-18-31-05-06-0010

Violation of Florida Fire Prevention Code: 14.41, means of egress shall be maintained clear and free of any type of displays, combustible materials, and/or tables and chairs at all times in case of fire or other type of emergency.

Violation of the Florida Fire Prevention Code: 10.16.4, storage of combustible materials, material shall not be stored beneath a building or structure unless specifically constructed or protected for this purpose. **(Enforcement Services Officer Mark Gibson)**

Case and Order were continued to June 23, 2010 to allow an appeal. At this time the property is in compliance and the case is now dismissed.

B. DEL-07-068

Stephen R. Theisen (Aurora Loan Services)
2930 Bath St., Deltona, Florida 32738
10350 Park Meadows Dr., Littleton, CO 80124
Property Address: 2930 Bath St., Deltona Florida 32738
Parcel No.: 30-18-31-60-04-0030

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the fence. **(Enforcement Services Officer Lonnie Wilson)** The Aurora Loan Services has given written permission for Carolyn Moriarty, Realtor for ReMax Real Estate Co., to act on their behalf in regards to the violation and the Hearing request for a recommendation to reduce the fine, from the Special Magistrate.

A Representative from Remax, requested a recommendation from the Special Magistrate For a reduction in fine, from \$5,000.00 to \$500.00. Mr. Cino agreed to this amount and this case will go before the City Commission for a final ruling.

12. DISCUSSION:

- A) By the Special Magistrate**
- B) By the Enforcement Services Director**

13. ADJOURNMENT: Meeting adjourned at 6:45 pm

NOTE: If any person decides to appeal any decision made by the Code Enforcement Special Magistrate with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence which the appeal is to be based. (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

Special Magistrate, Charles J. Cino

ATTEST:

Hearing Clerk, Sonjia Kihlmire